

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

ARTURO ELIZONDO, JR.
Plaintiff,

vs.

**ADHAN ABBIKADIR AND MBA
TRANSPORT OF COLUMBUS, LLC**
Defendants

§
§
§
§
§
§
§

CIVIL ACTION NO. 1:19-cv-459

NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Defendant ADHAN ABBIKADIR files this Notice of Removal pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

REMOVED CASE

1. Prior to removal to this Court, this case was pending in the 60th Judicial District Court of Jefferson County, Texas, as Cause No. B-204183: *Arturo Elizondo, Jr. v. Adhan Abbikadir and MBA Transport of Columbus, LLC* (“the State Court Proceeding”).

TIMELINESS OF REMOVAL

2. The underlying State Court Proceeding was filed on July 25, 2019. A true and correct copy of the Plaintiff’s Original Petition is attached hereto as **Exhibit 1**.
3. Service on Defendant ADHAN ABBIKADIR was performed on August 28, 2019. A true and correct copy of the Citation is attached hereto as **Exhibit 2**.
4. Service on Defendant MBA Transport of Columbus, LLC has not been completed to date. A true and correct copy of the Citation is attached hereto as **Exhibit 3**.
5. This Notice of Removal is timely because the thirty-day limitation imposed by 28 U.S.C. §1446(b) for filing this Notice of Removal has not yet expired.

JURISDICTION & REMOVAL

6. This Court has original diversity jurisdiction under 28 U.S.C. § 1332, and removal is proper pursuant to 28 U.S.C. §1441(a). With respect to all parties, this is a civil action between citizens of different states within the meaning of 28 U.S.C. §1332(c). This case may be removed to this Court pursuant to 28 U.S.C. §§1441 and 1446.
7. Plaintiff Arturo Elizondo is a resident and citizen of the State of Texas who resides in Houston, Harris County, Texas.
8. Defendant MBA Transport of Columbus, LLC is a corporation under the laws of Ohio, with its principal place of business in Columbus, Ohio.
9. Defendant Adhan Abbikadir is a resident and citizen of Clarkston, Georgia.
10. Plaintiff seeks monetary relief of over \$200,000 but not more than \$1,000,000; therefore, the amount in controversy exceeds SEVENTY-FIVE THOUSAND (\$75,000.00) DOLLARS, exclusive of interest and costs. **Exhibit 1, ¶ 7.**
11. Venue is proper in this district and division under 28 U.S.C. § 1441(a) because the state court where the action has been pending is located in this district and division.
12. As Defendant MBA Transport of Columbus, LLC has not been served with suit this time, their consent to this removal is unnecessary. However, Defendant MBA Transport of Columbus, LLC consents to this removal.

COMPLIANCE WITH 28 U.S.C. §1446(a) AND LOCAL RULE 81

13. In accordance with 28 U.S.C. §1446(a), and LR81 attached hereto are (i) an index of all matters filed in this case; (ii) a copy of the available citations in the case; (iii) a copy of all pleadings filed in the State Court Proceeding arranged in chronological order; (iv) a copy of the state court docket sheet (**Exhibit 4**); and, (v) a list of all parties, their respective counsel and court information. **Exhibit 5.**

NOTICE TO STATE COURT

14. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of Notice of Removal will be given to the 60th Judicial District Court of Jefferson County, Texas, promptly after the filing of this Notice of Removal, and to counsel of record for all parties.

WHEREFORE, Defendant Adhan Abbikadir hereby effectuates a removal of this cause to this Honorable Court and prays that such removal be entered on the docket of this Court.

Respectfully submitted,

SHEEHY, WARE & PAPPAS, P.C.



GEORGE P. PAPPAS

State Bar No. 15454800

Federal Bar No. 2905

2500 Two Houston Center

909 Fannin Street

Houston, Texas 77010

Telephone: (713) 951-1000

Facsimile: (713) 951-1199

gpappas@sheehyware.com

**ATTORNEY-IN-CHARGE FOR DEFENDANT,
ADHAN ABBIKADIR**

OF COUNSEL:

Vasilina M. Wilkes

State Bar No. 24051452

Federal Bar No. 955230

Sheehy, Ware & Pappas, PC

2500 Two Houston Center

909 Fannin Street

Houston, Texas 77010-1003

Telephone: (713) 951-1000

Facsimile: (713) 951-1199

vwilkes@sheehyware.com

**ATTORNEY FOR DEFENDANT,
ADHAN ABBIKADIR**

CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure, I hereby certify that a true and correct copy of the foregoing instrument has been served on the following counsel of record on September 26, 2019, by electronic service and email.

Attorneys for Plaintiff

Matthew Gallagher

Gallagher Law, PLLC

917 Franklin St., Fourth Floor

Houston, TX 77002

matthew@mgg-law.com



George P. Pappas

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

ARTURO ELIZONDO, JR.
Plaintiff,

vs.
ADHAN ABBIKADIR AND MBA
TRANSPORT OF COLUMBUS, LLC
Defendants

§
§
§
§
§
§
§

CIVIL ACTION NO. _____

NOTICE OF REMOVAL –
INDEX OF MATTERS BEING FILED

<u>NO.</u>	<u>DOCUMENT</u>	<u>DATE FILED</u>
1.	Plaintiff's Original Petition, with Civil Case Information Sheet	July 25, 2019
2.	Citation for Defendant Adhan Abbikadir	July 29, 2019
3.	Citation for Defendant MBA Transport of Columbus, LLC	July 29, 2019
4.	State Court Docket Sheet	September 6, 2019
5.	Parties, Counsel and Court Information Pursuant to LR 81	September 26, 2019